

REMARKS

Claims 1-18 are pending in the application. Applicant respectfully requests reconsideration of this application.

Rejection of Claims 1-6, and 14-18 under 35 U.S.C. § 103(a) as being unpatentable over US 7,139,983 (Kelts) in view of US 5,966,120 (Arazi) and US 6,341,375 (Watkins)

Applicant respectfully traverses the rejection of claims 1-6, and 14-18. Reconsideration is respectfully requested.

Applicant respectfully submits that the combination of Kelts, Arazi, and Watkins does not teach or suggest all the claim limitations as set forth in independent claims 1 and 16. For example, independent claims 1 and 16 recite “[an extractor module for] extracting [the] contents of the DVD into information files and video object files” which is not taught or suggested in the combination of Kelts, Arazi, and Watkins.

The Office Action dated October 29, 2008 states in item 3 on page 3:

[T]he proposed combination of Kelts and Arazi teaches the claimed as discussed above, however fails to particularly teach that the video on demand or pay per view system utilizes DVDs as the source of the program that is broadcast. In an analogous art, Watkins teaches in col. 3, line 66 through col. 4, lines 16 of the explicit use of DVDs as the source for a Video on demand system. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ability to use DVDs as the source of video for VOD systems as taught by Watkins into the proposed combination of Kelts and Arazi to reduce costs for the end users that do not have DVD systems.

Applicant thanks the Examiner for acknowledging that Kelts and Arazi fail to teach a system that utilizes DVDs as a source of video content.

However, Applicant respectfully disagrees with the Office Action’s characterization of Watkins in the foregoing statement. Watkins describes manual conversion of the contents of a DVD into a compressed data stream by using a PC server. See Watkins Abstract, FIGS. 2-3 and col. 2, lines 39-44. Applicant notes that the technique of manual conversion of DVD content by a VOD system/server is identified as a problem in the background section of Applicant's specification. See Applicant’s specification paragraphs [0009] and [0012]. Additionally, Applicant submits that Watkins fails to describe “extracting the contents of a DVD into information files and video object files.” In Watkins, the PC server or the VOD server

compresses the content of the DVD into a DVD bitstream. However, there is no description or teaching in Watkins about extracting DVD content into **both** information files (e.g., IFO files) **and** video object files (e.g., VOB files).

Applicant further submits that the combination of Kelts and Arazi also fails to describe “extracting contents of a DVD into information files and video object files” as recited by independent claims 1 and 16, for at least the reasons set forth in Applicant’s remarks/arguments on pages 6-7 as filed in the amendment dated July 7, 2008.

In view of the foregoing, Applicant submits that the combination of Kelts, Arazi, and Watkins fails to describe extracting contents of a DVD into information files and video object files as recited by independent claims 1 and 16. Since, all the claim elements of independent claims 1 and 16 are not taught or suggested by the combination of Kelts, Arazi, and Watkins, independent claims 1 and 16 are not obvious in view of the combination of Kelts, Arazi, and Watkins, and therefore that the rejection of independent claims 1 and 16 under 35 U.S.C. § 103(a) should be withdrawn. Applicant requests that independent claims 1 and 16 now be passed to allowance.

Furthermore, the Office Action has entirely failed to address Applicant’s argument that the Kelts reference **teaches away** from extracting information stored in DVDs. This argument appears at pages 7-8 of the amendment dated July 7, 2008, and Applicant incorporates the argument by reference, as if fully set forth herein. For at least the reasons set forth in Applicant’s amendment dated July 7, 2008, Applicant respectfully submits that Kelts fails to provide a basis for a rejection under 35 U.S.C. § 103, at least because Kelts expressly **teaches away** from “extracting contents of a DVD into information files and video object files” as recited by independent claims 1 and 16. Because Kelts is an **improper basis** for rejecting Applicant’s claims, the combination of Kelts with Arazi, or with other prior art references, is also an improper basis for rejecting Applicant’s claims. Accordingly, Kelts should be disqualified as a reference under 35 U.S.C. § 103(a).

Dependent claims 2-6, 14-15, and 17-18 depend from and include all the limitations of independent claims 1 and 16. Therefore, Applicant respectfully requests the reconsideration of dependent claims 2-6, 14-15, and 17-18 and requests withdrawal of the rejection.

Rejection of Claims 7-8 under 35 U.S.C. § 103 (a) as being unpatentable over US 7,139,983 (Kelts) in view of US 5,966,120 (Arazi) and further in view of US 6,341,375 (Watkins) as applied to claim 1 and further in view of US2002/0047899 (Son)

Applicant respectfully submits that dependent claims 7-8 depend from, and include all the limitations of independent claim 1, which is deemed to be allowable for reasons provided above. Therefore, Applicant respectfully requests the reconsideration of dependent claims 7-8 and requests withdrawal of the rejection.

Rejection of Claims 9-13 under 35 U.S.C. § 103 (a) as being unpatentable over US 7,139,983 (Kelts) in view of US 5,966,120 (Arazi) and further in view of US 6,341,375 (Watkins) as applied to claim 1 and further in view of US2002/0047899 (Son) as applied to claims 7-8 and further in view of US 2002/0078456 (Hudson)

Applicant respectfully submits that dependent claims 9-13 depend from, and include all the limitations of independent claim 1, which is deemed to be allowable for reasons provided above. Therefore, Applicant respectfully requests the reconsideration of dependent claims 9-13 and requests withdrawal of the rejection.

Conclusion

In view of the foregoing discussion, it is believed that claims 1-18 are allowable over the cited art. Claims not specifically discussed above are allowable due to their dependence on an allowable base claim. Applicant respectfully submits that all pending claims are in condition for allowance, and earnestly request that all objections and rejections of the claims be withdrawn and a Notice of Allowance be entered at the earliest date possible.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

Respectfully submitted,

WAYNE E. MOCK

Date: January 28, 2009

BY: /Stewart M. Wiener/
Stewart M. Wiener
Registration No. 46,201
Attorney for Applicant

MOTOROLA, INC.
101 Tournament Drive
Horsham, PA 19044
Telephone: (215) 323-1811
Fax: (215) 323-1300